

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

197D0491

HOUSE STATE AFFAIRS COMMITTEE

ENGROSSED NO. **HB1081** - 1/26/00

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.

Introduced by: Representatives Brown (Richard), Brooks, Chicoine, Cutler, Davis, Derby, Diedtrich (Elmer), Fiegen, Fischer-Clemens, Hennies, Jaspers, McCoy, Michels, Peterson, and Sutton (Daniel) and Senators Shoener, Daugaard, Hutmacher, Kloucek, Madden, Olson, Paisley, and Rounds

1 FOR AN ACT ENTITLED, An Act to allow equitable relief if certain public contracts are found
2 void.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 5-18-19 be amended to read as follows:

5 5-18-19. It ~~shall be~~ is unlawful for any public corporation or its officers to enter into any
6 contract in violation of the terms of this chapter or chapter 5-21, and any such contract entered
7 into ~~shall be~~ is null and void and of no force and effect. Nothing in this section prohibits the court
8 from applying the doctrine of equitable estoppel. If the contractor affirmatively establishes
9 grounds to apply the doctrine of equitable estoppel, the court may award the contractor some
10 or all of the actual costs incurred in performing the contract.

1 **BILL HISTORY**

2 1/15/00 First read in House and referred to State Affairs. H.J. 56

3 1/24/00 Scheduled for Committee hearing on this date.

4 1/24/00 State Affairs Do Pass Amended, Passed, AYES 12, NAYS 1. H.J. 218